

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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**ONE HUNDRED FOURTEENTH LEGISLATIVE DAY**  
**TUESDAY, APRIL 29, 2003**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Noble and Sweet, absent and formally excused by the Chair; and Senators Burkett, Burtenshaw, Calabretta, Cameron, Keough, Lodge, McKenzie, Malepeai, Marley, Pearce, and Richardson, and Acting Senator Hill, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Teresa Duran, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 28, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

April 29, 2003

The JUDICIARY AND RULES Committee reports that **S 1187, S 1188, S 1189, S 1190, and S 1191** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1187, S 1188, S 1189, S 1190, and S 1191** and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senators Burkett, Burtenshaw, Calabretta, Cameron, Keough, Lodge, McKenzie, Malepeai, Marley, Pearce, Richardson, and Acting Senator Hill were recorded present at this order of business.

The President announced that **SJM 104** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bunderson, seconded by Senator Stennett, **SJM 104** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **SR 106** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stennett, seconded by Senator Davis, **SR 106** was adopted by voice vote, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Having voted on the prevailing side and proper notice having been served, Senator Little moved, seconded by Senator Stennett, that the vote by which **H 453** was referred to the Fourteenth Order of Business for amendment be now reconsidered. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stegner, Davis, and Calabretta.

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, Noh, Pearce, Richardson, Sorensen, Stennett, Werk, Williams. Total - 27.

NAYS--Calabretta, Compton, Hill (Hill), McWilliams, Schroeder, Stegner. Total - 6.

Absent and excused--Noble, Sweet. Total - 2.

Total - 35.

Whereupon the President declared that the motion prevailed.

The question being, "Shall **H 453** be referred to the Fourteenth Order of Business for amendment?"

Roll call vote was requested by Senators Stegner, Davis, and Keough.

Roll call resulted as follows:

AYES--Calabretta, Compton, Hill (Hill), Keough, Malepeai, Marley, McWilliams, Schroeder, Stegner. Total - 9.

NAYS--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Little, Lodge, McKenzie, Noh, Pearce, Richardson, Sorensen, Stennett, Werk, Williams. Total - 24.

Absent and excused--Noble, Sweet. Total - 2.

Total - 35.

Whereupon the President declared that the motion did not prevail and **H 453** was returned to the Eleventh Order of Business, Introductions, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials.

On request by Senator Davis, granted by unanimous consent, the Gubernatorial appointment confirmation of LaMoyne Hyde retained its place on the Calendar for Wednesday, April 30, 2003.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**H 453**, rules having previously been suspended, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and reopened the debate. The question being, "Shall **H 453** pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Little, Lodge, Malepeai, McKenzie, Pearce, Richardson, Sorensen, Stennett, Werk, Williams. Total - 23.

NAYS--Burkett, Compton, Hill (Hill), Keough, Marley, McWilliams, Noh, Schroeder, Stegner. Total - 9.

Absent and excused--Calabretta, Noble, Sweet. Total - 3.

Total - 35.

Whereupon the President declared **H 453** passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:25 p.m. until the hour of 5 p.m. of this day.

**RECESS  
AFTERNOON SESSION**

The Senate reconvened at 5 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Andreason, Bunderson, Burkett, Calabretta, Cameron, Little, Malepeai, Noble, and Schroeder, absent and excused.

Prior to recess the Senate was at the Eleventh Order of Business, Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials.

Senators Andreason and Schroeder were recorded present at this order of business.

**S 1194  
BY FINANCE COMMITTEE  
AN ACT**

RELATING TO APPROPRIATIONS; PROVIDING LEGISLATIVE INTENT; TO PROVIDE A REDUCTION IN THE APPROPRIATIONS TO THE VARIOUS STATE AGENCIES, INSTITUTIONS AND ENTITIES FOR FISCAL YEAR 2003; PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO REDUCE THE FUNDS TRANSFER TO THE LEGISLATIVE FUND; PROVIDING DIRECTION TO THE BOARD OF EXAMINERS IN THE EVENT OF A BUDGET SHORTFALL; AND DECLARING AN EMERGENCY.

**S 1195  
BY FINANCE COMMITTEE  
AN ACT**

RELATING TO A BALANCED STATE BUDGET FOR FISCAL YEAR 2003; STATING FINDINGS OF THE LEGISLATURE REGARDING THE FINANCIAL SITUATION FOR FISCAL YEAR 2003; TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND TO THE GENERAL FUND; TRANSFERRING MONEYS FROM THE IDAHO MILLENNIUM FUND TO THE IDAHO MILLENNIUM INCOME FUND FOR CERTAIN EXPENDITURES IN FISCAL YEAR 2003; TRANSFERRING MONEYS FROM THE IDAHO MILLENNIUM FUND TO THE IDAHO MILLENNIUM INCOME FUND FOR CERTAIN EXPENDITURES IN FISCAL YEAR 2004; TRANSFERRING MONEYS FROM THE IDAHO MILLENNIUM FUND TO THE GENERAL FUND; TRANSFERRING MONEYS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND; DIRECTING THE STATE TREASURER TO DEPOSIT THE NEXT TOBACCO SETTLEMENT PAYMENT INTO THE GENERAL FUND; TRANSFERRING MONEYS FROM THE RETAINED RISK MANAGEMENT FUND TO THE GENERAL FUND; AND DECLARING AN EMERGENCY.

**S 1196  
BY FINANCE COMMITTEE  
AN ACT**

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF FACILITIES; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2004; TRANSFERRING AND APPROPRIATING CERTAIN FUNDS TO BE EXPENDED PURSUANT TO SECTION 33-906, IDAHO CODE; DIRECTING THE DISTRIBUTION OF CERTAIN FUNDS PURSUANT TO SECTION 33-905, IDAHO CODE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1197**  
**BY FINANCE COMMITTEE**  
 AN ACT

RELATING TO PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2004; AMENDING SECTION 33-1004A, IDAHO CODE, TO PLACE CAPS ON THE GROWTH OF THE EXPERIENCE AND EDUCATION MULTIPLIER FOR ADMINISTRATIVE STAFF; AMENDING SECTION 33-1004, IDAHO CODE, TO DELETE THE PROVISIONS WHICH REQUIRE A DISTRICT TO DEMONSTRATE EMPLOYMENT OF THE NUMBER OF ADMINISTRATIVE STAFF ALLOWED OR, IF THE DISTRICT DOES NOT EMPLOY THAT NUMBER, TO REDUCE STAFF ALLOWANCE ACCORDINGLY AND TO DELETE THE LIMIT ON PERCENTAGE OF ADMINISTRATIVE STAFF WHICH MAY BE NONCERTIFICATED STAFF; AMENDING SECTION 33-1004G, IDAHO CODE, TO PROVIDE THAT ADMINISTRATIVE STAFF SHALL BE EXCLUDED FROM PARTICIPATING IN THE EARLY RETIREMENT INCENTIVE PROGRAM; PROVIDING MONEYS FOR THE FINAL PHASE OF THE IMPLEMENTATION OF ACHIEVEMENT STANDARDS; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

**S 1198**  
**BY FINANCE COMMITTEE**  
 AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2004; PROVIDING A DESCRIPTION OF THE DIVISION OF CHILDREN'S PROGRAMS AND PROVIDING THE AMOUNTS TO BE EXPENDED; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2004; DIRECTING THAT \$4,700,000 OF THE MONEYS ACCRUING PURSUANT TO SECTIONS 63-2506 AND 63-2552A, IDAHO CODE, AND SUCH OTHER MONEYS WHICH MAY BECOME AVAILABLE PURSUANT TO SECTION 63-7439, IDAHO CODE, BE EXPENDED FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE DISTRIBUTION OF FUNDS FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FEATURES OF THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THAT \$3,300,000 BE USED FOR THE LITERACY PROGRAMS AND EXPRESSING LEGISLATIVE INTENT THAT THE STATE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION COORDINATE CERTAIN PROGRAMS; DIRECTING THAT \$4,475,000 BE ALLOCATED FOR PROGRAMS FOR STUDENTS WITH NON-ENGLISH OR LIMITED-ENGLISH

PROFICIENCY; GRANTING AUTHORITY TO TRANSFER FUNDS BETWEEN THE FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM BUDGET; DIRECTING THAT \$450,000 BE DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1194, S 1195, S 1196, S 1197, and S 1198** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:35 p.m. until the hour of 11 a.m., Wednesday, April 30, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary